



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
DIVISION OF CHILD SUPPORT (DCS)

## **NONASSISTANCE SUPPORT ENFORCEMENT INFORMATION**

(RCW 34.05 and RCW 74.20A)

### **PARTIES TO YOUR SUPPORT ORDER**

Parties to your support order include the noncustodial parent and the custodial parent or physical custodian. The noncustodial parent is the person who must pay support. The custodial parent or physical custodian is the person with whom the children normally live.

### **DIVISION OF CHILD SUPPORT**

The Division of Child Support (DCS) has a headquarters in Olympia and nine field offices located throughout the state. DCS manages and enforces child support cases. To have DCS enforce your support order, one of the parties to your support order must request support enforcement services in writing. After receiving your request for services, DCS will assign your case to the field office that is responsible for the area where the noncustodial parent lives.

If your support order requires payment through the Washington State Support Registry (see the next section) but DCS does not receive a request for services, DCS will open a Payment Services Only (PSO) case for you. DCS provides only payment processing and record keeping for PSO cases.

### **WASHINGTON STATE SUPPORT REGISTRY**

The Washington State Support Registry (WSSR) is a part of DCS that keeps records and distributes support payments. DCS will enter your support order into WSSR when either of the following occurs.

1. Either party to your support order asks DCS for support enforcement services.
2. Your support order requires the noncustodial parent to pay support through WSSR.

### **REPRESENTATION**

DCS and all Attorney General's offices and Prosecuting Attorney offices working with DCS represent the Department of Social and Health Services. These offices do not represent either party to your support order.

### **REQUIREMENTS FOR RECEIVING NONASSISTANCE SUPPORT ENFORCEMENT SERVICES**

If the children for whom you are requesting support enforcement services receive Washington State public assistance, DCS already provides services.

If you do not have legal custody of the children for whom you are requesting support enforcement services, you must declare that you are not wrongfully keeping the children from the legal custodian.

### **HEARINGS**

Both parties to your support order may take part in any hearing held under Chapter 34.05 RCW that concerns your support order. Either party may attend a hearing in person or by telephone. Hearings affect your support. If you do not participate in a hearing, an Administrative Law Judge may grant any requests made by DCS or the other party to your support order without further notice to you. You may want legal counsel to represent you at a hearing.

## TRIBAL INFORMATION

Unless DCS and the tribe has an agreement to do so, DCS enforcement and collection procedures listed in this form do not apply to employees who work for tribes, tribally-owned businesses, or Indian-owned businesses located on reservations. If the noncustodial parent is an employee of an Indian tribe, tribally-owned business, or an Indian-owned business located on a reservation DCS may:

1. Ask the tribe to enforce your support order. DCS will do this only if Washington State and the tribe has a process to do so.
2. File an action in a tribal court to establish or enforce your support order. If DCS files an action in a tribal court, DCS may use procedures outlined in agreements between Washington State and the Indian tribes or use existing tribal court procedures.

DCS may assign your case to a Tribal enforcement unit if either of the following applies to your case.

1. Either party to your support order or your children are members of an Indian tribe.
2. The noncustodial parent is an employee of an Indian tribe, tribally-owned enterprise, or an Indian-owned business located on a reservation.

## SUPPORT ENFORCEMENT SERVICES

If you have a support order that sets the support amount, DCS will try to collect that amount. In some cases, DCS must serve a notice on both parties to the support order before starting collection action.

If you do not have a support order or your support order does not address both child support and medical support, DCS will serve a notice on both parties to the support order. In the notice, DCS will set child support and medical support amounts as needed. DCS will base the support amount on the combined incomes of both parties and the number of children involved. The medical support amount may not be more than 25 percent of the basic child support amount.

If your support order does not set a fixed support amount, DCS will serve a ***Notice of Support Owed*** on both parties to your support order.

1. In this notice, DCS will set a fixed support amount. Either party to your support order can ask for a hearing to dispute the support amount DCS sets.
2. DCS may try to reach an agreement for the support amount with both parties to your support order.

Once the support amount is set and if DCS knows the noncustodial parent's employer, DCS will issue an ***Order/Notice to Withhold Income for Child Support*** to the employer. This notice requires the employer to withhold support from the noncustodial parent's income or wages. If DCS does not know the noncustodial parent's employer, DCS will try to find the source of wages or income and try to collect your support.

If you have health insurance for the children and do not want DCS to establish or enforce a medical support requirement, you must tell DCS in writing. If you do not, DCS will take one of the actions listed below.

1. If you have a support order that requires the noncustodial parent to provide health insurance for your children, DCS will try to enforce the medical support requirement.
2. If you have a support order that does not require the noncustodial parent to provide health insurance for your children, DCS may try to modify your support order.
3. If you do not have a support order, DCS will include a requirement for the noncustodial parent to provide health insurance for your children in the notice used to set the support amount.

If you and the other party to the support order never married, and:

1. The father did not sign a ***Paternity Affidavit***, a state or tribal court must determine the legal father. DCS will refer your case to a prosecuting attorney, tribal court, or Attorney General's office for action.
2. The father signed and filed a ***Paternity Affidavit***, DCS may get a support order without a court action.

If the other party to your support order asks DCS to do so, DCS may provide full support enforcement services even if you do not want them.

If neither party to the support order lives in Washington State, DCS will provide support enforcement services if both of the following are true.

1. Neither party to your support order receives support enforcement services from another state.
2. The noncustodial parent has contact with Washington State. Contact includes earning wages from employers doing business in Washington, owning assets in Washington, etc. The noncustodial parent must have enough contact with Washington State to allow DCS to collect support.

If the noncustodial parent lives in another state and has no contact with Washington State, and you live in Washington State, DCS may do any of the following.

1. Try to establish jurisdiction for the case and collect support under Washington State law.
2. Ask the state the noncustodial parent lives in to collect support. The other state will act under their laws.
3. Refer the case to a prosecuting attorney for legal action.

DCS bases past-due support payment amounts on an amortization table or an amount set in your support order. Sometimes the noncustodial parent cannot pay the full amount listed in the amortization table. In those cases, the noncustodial parent may arrange to pay current support and make smaller monthly payments on the past-due support. You do not have the right to object to the past-due support payment amount DCS sets.

If you have a support order that allows DCS to serve an ***Order/Notice to Withhold Income for Child Support***, DCS will serve the form on the noncustodial parent's employer (if known).

If you have a support order that does not allow DCS to serve an ***Order/Notice to Withhold Income for Child Support***, DCS will serve a ***Notice of Support Debt and Demand for Payment*** on the noncustodial parent. The ***Notice of Support Debt and Demand for Payment*** states the support amount and gives DCS the authority to serve an ***Order/Notice to Withhold Income for Child Support***.

1. If you are the court-ordered payee, DCS will send you a copy of the notice that states the support amount. If you receive a copy and do not agree with the amounts stated in the notice, you may ask for a hearing.
2. The noncustodial parent may ask for a Conference Board (an informal hearing) to dispute the terms of the notice that states the support amount. You may attend and take part in the Conference Board.
3. If you ask for a hearing and the noncustodial parent asks for a Conference Board, you can decide whether to have a hearing or a Conference Board.

In any proceeding to establish, enforce, or modify a support order, DCS may serve written notices on the parties to the order by first class mail. DCS may serve these notices to the last-known addresses of the parties. If DCS serves a notice on you, it may become a final order without further notice to you. A court or Administrative Law Judge may grant a petition for modification of a support order by default if a party fails to appear at a modification proceeding. This applies even if DCS cannot prove that the party who failed to appear actually received the notice of the hearing sent by first class mail to the last-known address of the party.

DCS cannot establish or enforce custody or visitation provisions for your children.

## COLLECTION SERVICES

DCS will try to:

1. Collect current and past-due (if any) support.
  - DCS may enter into a temporary agreement that allows the noncustodial parent to pay less than the monthly current support amount listed in your support order. DCS uses this program only when the noncustodial parent cannot pay the full current support amount and is participating in a qualifying job training program. The payments increase over time to allow DCS to recover all current and past-due support.
2. Collect interest on past-due support. DCS will do so only if you have a support order or a state or tribal court judgment that states the total amount of accrued interest.
3. Collect child care costs, if required in your support order.
4. Collect spousal support (alimony) if required by your support order. DCS does not set spousal support amounts.
5. Enforce medical support requirements. DCS will not collect uninsured medical costs unless you have a state or tribal court judgment that states the costs in a specific dollar amount.
6. Enforce post-secondary education support for children continuing their education after completing high school. Only a state or tribal court can order this kind of support. DCS cannot establish this kind of support.

You do not have to ask DCS to take the actions listed in this section. DCS acts as your case requires. However, you may find new information that could help DCS collect your support. If you do, you must tell DCS. Include the following information on all correspondence with DCS.

1. Your name, address, telephone number, and case number.
2. The noncustodial parent's name and social security number (if known).

## FEDERAL INCOME TAX REFUND OFFSET

If DCS knows the noncustodial parent's social security number and your case meets all the following criteria, DCS will tell the Internal Revenue Service (IRS) when the noncustodial parent owes past-due support. The IRS sends DCS the noncustodial parent's tax refunds to pay the past-due support debt.

1. A support order sets the past-due support debt.
2. The noncustodial parent owes a total past-due support debt of \$500 or more and has a requirement to pay current support on December 31 of the offset year. If DCS cannot determine the total past-due support owed, DCS may limit the debt to the amount accrued since DCS accepted your case.
3. Your children are minors on December 31 of the offset year.

If you received public assistance in the past, DCS will use IRS refunds to pay the debt owed to Washington State first.

If the noncustodial parent filed a joint tax return, DCS may hold the refund for six months before sending you the money. DCS may hold the tax return to allow the other party to the tax return to claim their share of the refund.

## PAYMENT DISTRIBUTION

There are strict federal and state regulations for distributing support payments. DCS will use the payment receipt date to decide how to apply support money. Neither party to a support order can choose the period the payment covers.

1. DCS will apply any money received each month to current support for that month.
2. After DCS applies a payment to current support, DCS will apply any extra money to past-due support.
3. If the noncustodial parent owes current support to more than one family, DCS will apply money to all current support debts before applying any money to past-due support. Neither you nor the noncustodial parent can specify how DCS distributes payments.
  - There is one exception to the rule above. The noncustodial parent can specify distribution of payments to Payment Services Only (PSO) cases. PSO refers to those cases where DCS provides record keeping and payment distribution but does not enforce a support order.

DCS will send current support payments to you. You can expect to get your money 3 to 5 days after DCS receives a payment. If you sign up for direct deposit, DCS will deposit payments directly into your bank account by Electronic Funds Transfer (EFT). If you do not have direct deposit and want the service, call the EFT telephone number listed on page 6.

Past-due support payments may or may not go to you.

1. If you and your children never received public assistance, DCS will send you the money.
2. If you received public assistance and there is no debt assigned to any state, DCS will send you the money.
3. If you received public assistance in the past, DCS will distribute past-due support received from:
  - a. Sources other than the IRS as follows:
    - (1) First, to past-due support owed to you after you stopped receiving a public assistance grant.
    - (2) Second, to past-due support owed for time periods before you received a public assistance grant (if you received a grant on or after October 1, 1997). DCS will keep these payments to reimburse the state and federal governments for the public assistance grants paid to you.
    - (3) Third, to the past-due support owed for time periods when you received a public assistance grant and/or for time periods before you started receiving a public assistance grant (if you received a grant before October 1, 1997). DCS will keep these payments to reimburse the state and federal governments for the public assistance grants paid to you.
  - b. The IRS as follows:
    - (1) First, to past-due support owed for time periods when you received a public assistance grant and/or for time periods before you received a public assistance grant (if you received the grant before October 1, 1997). DCS will keep these payments to reimburse the state and federal governments for the public assistance grants paid to you.
    - (2) Second, to past-due support owed for time periods before you received a public assistance grant (if you received the grant on or after October 1, 1997). DCS will keep these payments to reimburse the state and federal governments for the public assistance grants paid to you.
    - (3) Third, to past-due support owed to you for time periods after you stopped receiving a public assistance grant. You will receive these payments.
4. If the noncustodial parent owes past-due support to more than one family, DCS will proportionally divide the money collected between the families.

If you receive support payments in error, you must repay the money in most cases. To recover erroneous payments, DCS may take withholding action against your income or wages or file liens against your property. DCS will send you a notice before taking these actions. If you do not agree with our actions, you may ask for a hearing.

### **WHAT YOU MUST DO**

Once you ask DCS for support enforcement services, you must:

1. Send DCS all payments that you receive directly from the noncustodial parent. DCS must have a record of all payments to work your case. If you received support payments before you asked for DCS services, you must give DCS a declaration listing those payments. When you send DCS payments that you receive directly from the noncustodial parent, DCS will send you a separate check unless you sign up for direct deposit.
2. Give DCS or help DCS get copies of all support orders entered for your case.
3. Tell DCS if you change your address or telephone number. DCS needs this information to send you payments and to contact you about your case. DCS may serve you notices by first class mail.

4. Tell DCS if you hire an attorney or private agency to collect your support. You must give DCS the name and address of the attorney or private agency. You must tell DCS what the attorney or private agency will work on.
  - a. DCS may be unable to collect your support while an attorney or private agency is trying to collect.
  - b. If you hire an attorney to change your support order, you or your attorney must serve notice on the noncustodial parent and DCS.
5. Tell DCS immediately if you reunite with the noncustodial parent or the children go elsewhere to live. You must provide DCS additional information when asked.

### **STOPPING DCS SERVICES**

If you want DCS to stop providing full collection services, you must ask DCS in writing. If you have a support order that requires the noncustodial parent to pay support through WSSR, DCS will stop providing full collection services, change your case to payment services only, and tell the noncustodial parent. If your support order does not require payment through the WSSR, DCS will close your case.

If you or your children reunite with the noncustodial parent, DCS will stop collecting current support. DCS will tell you about any changes to the type of services you were receiving.

### **LAWS AND POLICY THAT EFFECT CHILD SUPPORT**

The following chapters of the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) govern the services that DCS provides.

RCW 26.18	WAC 388-11
RCW 26.21	WAC 388-13
RCW 26.23	WAC 388-14
RCW 74.20	
RCW 74.20A	

The statute of limitations may apply to a child support debt. If it applies, the noncustodial parent may use the statute of limitations as a defense that they no longer owe all or a portion of a child support debt.

### **TELEPHONE CALLS**

Call the "KIDS" automated telephone system at 1-800-442-5437 to get information about your case. Please use this system as much as possible. If you have a matter that the "KIDS" system cannot handle, call the DCS office that is handling your case. Remember, telephone calls take time needed to collect your money. Reducing the number of calls allows DCS to serve you better.

If you must contact a DCS office, use the telephone numbers listed below. Please use the 800 telephone numbers for long distance calls only. TTY/TDD services are available for the speech or hearing impaired.

Seattle:	(360) 341-7000 or 1-800-526-8658
Tacoma:	(253) 597-3700 or 1-800-345-9976
Everett:	(425) 438-4800 or 1-800-729-7580
Spokane:	(509) 363-5000 or 1-800-345-9982
Kennewick:	(509) 734-2000 or 1-800-345-9981
Vancouver:	(360) 696-6100 or 1-800-345-9984
Wenatchee:	(509) 886-6800 or 1-800-535-1113
Yakima:	(509) 249-6000 or 1-800-441-0859
Olympia:	(360) 664-6900 or 1-800-345-9964

If you do not have Electronic Funds Transfer and want DCS to deposit your support payments directly into your bank account, call 1-800-468-7422.

No person, because of race, color, national origin, creed, religion, sex, age, or disability, shall be discriminated against in employment, services, or any aspect of the program's activities. This form is available in alternative formats upon request.
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